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4 **E-FILED on 12/30/09**  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

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12 In re EXTREME NETWORKS, INC.  
13 SHAREHOLDER DERIVATIVE  
14 LITIGATION

15 No. C-07-02268 RMW

16 ORDER VACATING HEARING AND  
17 SETTING BRIEFING SCHEDULE FOR  
18 DEFENDANT'S MOTION FOR  
19 RECONSIDERATION

20 [Re Docket No. 112, 114]

21 This Document Relates To:

22 ALL ACTIONS

23  
24 On November 17, 2009, the court issued an order denying nominal defendant Extreme  
25 Networks, Inc. ("Extreme")'s motion to strike and motion to dismiss. On December 3, 2009,  
26 Extreme filed a notice of motion and motion: (1) for leave to file motion for reconsideration of the  
27 November 17, 2009 order denying nominal defendant's motion to strike and motion to dismiss; or in  
28 the alternative, (2) for stay of action and certification of appeal under 28 U.S.C. § 1292(b). On the  
same day, Extreme noticed a hearing on the motion for a stay and for certification of appeal on  
January 8, 2010. The court hereby vacates the hearing on the motion for a stay and for certification

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30 ORDER VACATING HEARING AND SETTING BRIEFING SCHEDULE FOR DEFENDANT'S MOTION FOR  
31 RECONSIDERATION—No. C-07-02268 RMW  
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1 of appeal and grants Extreme leave to file a motion for reconsideration. The court sets the following  
2 briefing schedule on the motion for reconsideration:

3 January 15, 2010: Opposition due

4 January 22, 2010: Reply due

5 After reviewing the papers, the court will determine whether a hearing on the motion for  
6 reconsideration is necessary. If the motion for reconsideration is denied, the court will then  
7 determine whether to grant a stay of action and certification of appeal.

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DATED: 12/30/09



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RONALD M. WHYTE  
United States District Judge

1 || Notice of this document has been electronically sent to:

## 2 || Counsel for Plaintiffs:

3 Alan R Plutzik aplutzik@bramsonplutzik.com  
Emanuel Shachmurove mshachmurove@sbtklaw.com  
4 Eric L. Zagar ezagar@btkmc.com  
Lawrence Timothy Fisher ltfisher@bramsonplutzik.com  
5 Robert Bramson rbramson@bramsonplutzik.com  
Aelish Marie Baig AelishB@csgrr.com  
6 Shawn A. Williams shawnw@csgrr.com  
Frank James Johnson frankj@johnsonbottini.com  
7 Lucas F. Olts Lolts@csgrr.com

## 8 || Counsel for Defendants:

9 John Henry Hemann jhemann@morganlewis.com  
Jonathan DeGooyer jdegooyer@morganlewis.com  
0 Joseph Edward Floren jfloren@morganlewis.com  
Laura Alexis Lee llee@morganlewis.com

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**Dated:** 12/30/09

**CCL**  
**Chambers of Judge Whyte**